



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G ST. NW
WASHINGTON, D.C. 20314-1000



CEPR-Z (715)

19 May 2004

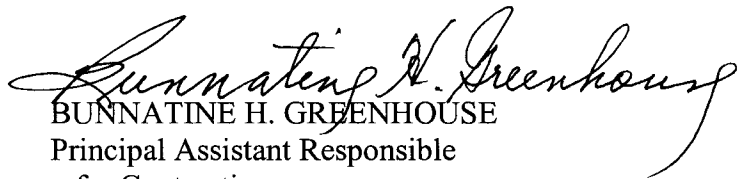
MEMORANDUM FOR COMMANDER/DIRECTORS, ALL USACE COMMANDS,
(DIRECTOR/CHIEF OF CONTRACTING)

SUBJECT: PARC Instruction Letter (PIL) 2004-07, Re-delegation of Authority in 10 U.S.C. §2358 and 10 U.S.C. §2371

1. Reference SAAL-PP memorandum, 21 Oct 2002, SAB, enclosed.
2. The Secretary of the Army is authorized by 10 U.S.C. §2358 and U.S.C. §2371 to perform research and development using grants, cooperative agreements, and transitions (other than contracts, cooperative agreements, and grants) ("other transactions"). By Delegation of Authority dated October 7, 2002, the Secretary of the Army delegated this authority to the Assistant Secretary of the Army (Acquisition, Logistics and Technology).
3. Via the referenced memo, Mr. Claude M. Bolton, Jr., Assistant Secretary of the Army (Acquisition, Logistics and Technology), re-delegates this authority to us, subject to the conditions and limitations as specified on the subject memo.
4. The PARAC Instruction Letter 2004-7 is issued to update and reemphasize the compliance with referenced memorandum that mandates the compliance of Department of Defense Grant and Agreement Regulations (DoD 3210.6R), other guidance published by the Director, Defense Research and Engineering (as disseminated by SAAL-PP) and conditions and limitations of subject authority.
5. For your convenience, the referenced memorandum is attached. The delegation is effective immediately and will expire on September 30, 2005. All prior delegations of this authority are hereby rescinded without prejudice to actions taken hereunder.
6. Our Point of contact is Song Zobrist, (202) 761-8644.

FOR THE COMMANDER:

Encl


BUNNATINE H. GREENHOUSE
Principal Assistant Responsible
for Contracting



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
103 ARMY PENTAGON
WASHINGTON DC 20310-0103



21 OCT 2002

REPLY TO
ATTENTION OF

SAAL-PP

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF
ENGINEERS, ATTN: CECG, 441 G STREET, N.W.,
WASHINGTON, D.C. 20314-1000

SUBJECT: Re-delegation of Authority in 10 U.S.C. §2358 and 10 U.S.C. §2371

The Secretary of the Army is authorized by 10 U.S.C. §2358 and 10 U.S.C. §2371 to perform research and development using grants, cooperative agreements, and transactions (other than contracts, cooperative agreements, and grants) ("other transactions"). By Delegation of Authority dated October 7, 2002, the Secretary of the Army delegated this authority to the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

I hereby further delegate this authority to you, subject to the following conditions and limitations:

- a. Use of this authority shall be strictly in accordance with the provisions of 10 U.S.C. §2358 and 10 U.S.C. §2371. You shall also comply with the Department of Defense Grant and Agreement Regulations (DoD 3210.6-R), as well as other guidance published by the Director, Defense Research and Engineering (as disseminated by SAAL-PP).
- b. All proposed grants, cooperative agreements or transactions (other than contracts, cooperative agreements, and grants) (hereinafter collectively referred to as nonprocurement instruments) to be entered into under the authority of 10 U.S.C. §2358 or 10 U.S.C. §2371, with a value in excess of \$5 million for one year or \$25 million for all years, shall be approved by the Deputy Assistant Secretary of the Army (Policy and Procurement) prior to award. You shall submit each of these proposed non-procurement instruments, together with all associated documentation through command channels to the Office of the Assistant Secretary of the Army (Policy and Procurement), Attention: SAAL-PP (S. Lake).
- c. You shall ensure that the required information for the annual report to Congress on cooperative agreements and transactions (other than contracts, cooperative agreements, and grants), as specified in 10 U.S.C. §2371(h), is submitted not later than 10 days after the end of each fiscal year to the Office of the Deputy Assistant Secretary of the Army (Policy and Procurement), Attention: SAAL-PP (S. Lake). Also, you shall



-2-

submit on a quarterly basis lessons learned on your use and experiences with transactions (other than contracts, cooperative agreements, and grants) so that they can be shared throughout the Army contracting community.

d. You shall establish a trained staff element, with the authority to prepare, execute (upon your approval), and administer nonprocurement instruments, within each subordinate contracting office that provides a significant level of support to a research organization.

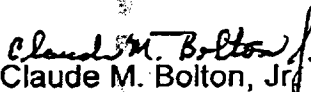
e. You shall ensure that all contracting officers who are further warranted as grants officers, and others who support grants officers, including legal counsel, receive appropriate training on execution and management of nonprocurement instruments.

f. You shall ensure that knowledgeable legal and policy support is available to staff elements, senior managers, and technical and project/program managers with responsibility for nonprocurement instruments. To this end, ensure that all relevant statutes and regulations (to include Office of Management and Budget circulars) are available within your organization as reference materials.

g. You shall ensure that the supporting file is documented with the legal authority for each nonprocurement instrument awarded and the basis for the determination to use a nonprocurement instrument. The documentation must fully address compliance with all statutory and regulatory requirements. The file shall include a written record that, prior to award, legal counsel has reviewed the nonprocurement instrument and all associated documents for legal sufficiency.

h. Authority to approve the use of a nonprocurement instrument under 10 U.S.C. §2358 or 10 U.S.C. §2371 may be further delegated only to chiefs of subordinate contracting offices that provide a significant level of support to a research organization.

This delegation shall be effective immediately and will expire on September 30, 2005, unless sooner rescinded by me in writing. All prior delegations of this authority are hereby rescinded without prejudice to actions taken thereunder.


Claude M. Bolton, Jr.
Assistant Secretary of the Army
(Acquisition, Logistics and Technology)